IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FIRST APPEAL NO.2728 OF 2006

Raghunath G. Shinde .... Appellants.

(Orig.Applicants)
V/s.

Attar Singh and others .... Respondents.

(Orig.Respondents)

Mr.Anil Sing i/by Mr.D.R.Shah for the appellants.
Mr.Nehar Ghag i/by Mr.A.S.Naik for respondents Nos.1 to 3.
Mr.A.R.Patil, A.G.P. for respondent No.4.

CORAM : D. B. BHOSALE, J.
DATED : 20th November, 2006

P.C.

Heard the learned counsel for the parties.

By this appeal the original applicants in Charity Application No.1 of 2006 have challenged the judgement and order dated 27/09/2006 rendered by the City Civil Court rejecting the said application with costs. By the Charity Application, the applicants had prayed for quashing and setting aside the judgement and order dated 21/11/2005 passed by the Joint Charity Commissioner, Greater Mumbai in Appeal No.6 of 2005 by which the order dated 27/12/2004 passed by the learned Assistant Charity

Commissioner, Mumbai passed on the Change Report bearing No.ACC 2551/2002 was affirmed. By the Change Report, the removal of the respondent Nos.1 to 3 by the Managing Committee was sought to be recorded in the public trust register. The respondent Nos.1 to 3 were the elected members of the Managing Committee alongwith 18 others for a period of three years commencing from September, 2000. I am informed that under the Constitution, though the term of the Managing Committee is of three years, it continues till the next elections are held and the new Managing Committee is elected. There is no dispute that after the elections for the period commencing from September, 2000, the elections, sometime in 2000-2003, were held and the new Managing Committee took over in the place of the Managing Committee of which respondent Nos. 1 to 3 were also members. Admittedly, the dispute in respect of the subsequent election has also been raised before the Assistant Charity Commissioner, who is dealing with the Change Report in respect thereof. Considering the overall facts and circumstances of the case, to my mind, this appeal has become infructuous. In view of the subsequent election of the Managing Committee, the respondent Nos. 1 to 3 cannot claim any right whatsoever on the basis of their election for the period commencing from September, 2000 for a period of three years, save and except their right, if any, under the Constitution of the Trust. With these observations, this appeal stands disposed of. As a

consequence thereof, the civil application also stands disposed of.

(D.B. BHOSALE, J.)